

**ST. GEORGE CITY COUNCIL MINUTES
REGULAR MEETING
MARCH 5, 2015, 5:00 P.M.
CITY COUNCIL CHAMBERS**

PRESENT:

**Mayor Jon Pike
Councilmember Gil Almquist
Councilmember Jimmie Hughes
Councilmember Michele Randall
Councilmember Joe Bowcutt
City Manager Gary Esplin
City Attorney Shawn Guzman
City Recorder Christina Fernandez**

EXCUSED:

Councilmember Bette Arial

OPENING:

Mayor Pike called the meeting to order and welcomed all in attendance. The Pledge of Allegiance to the Flag was led by Scout Kai Framer and the invocation was offered Roy Taylor with the Green Valley 5th LDS Ward. He introduced Doug Whetstone and asked him to come forward.

Mr. Whetstone with the Color Country Model Railroad Club presented the Council with a \$1,065 donation for the All Abilities Park.

Mayor Pike thanked Mr. Whetstone and his association for their donation.

COMMENTS FROM THE PUBLIC:

Mayor Pike outlined the rules for speaking during this portion of the agenda.

Brad Harr, resident, explained that he and his wife, as well as, others in their neighborhood are in attendance. Recently, investors have purchased homes and are using them for vacation rentals. He and others met with the owners to explain that they have CCR's; their response was that they did not care. During Presidents Day weekend, there were 27 cars between the two homes. He contacted Code Enforcement and met with City Attorney Shawn Guzman and Deputy Attorney Paula Houston. After he told the owners about an issue with trash, he was told to stop harassing them. The ordinance states that they have to rent the homes for 30 days at a time. One of guests told him that he was told that he had to rent it for 5 days and then could not rent it again for 30 days. He stated that he is concerned and want to help the City enforce the code.

Marta Harr, resident, stated that between the two homes, he is making more than a \$1,000 a night.

Noel Lundall explained that they all have little children playing out there. She no longer knows who her neighbors are, which is a concern for her.

A gentleman who did not state his name, stated there were four young people in their backyard and climbed over the fence to the golf course. If they are not playing golf,

they should stay off the course. Single family residences have county taxes, if they are renting the homes; the county loses out on those taxes.

John Matthews, resident, stated that he hopes people like this do not come in and run the City indirectly. The owners do not care and the ordinances should be followed.

City Attorney Shawn Guzman commented that there are problems with enforcing this ordinance because it is a transient population. There are some that say they understand this is illegal. The most difficult problem is being able to prove the home is being rented on a short term basis.

Deputy City Attorney Paula Houston explained that complaints come in but staff cannot prove that it is being rented. If staff can find the website the home is being advertised on, they can go after the owner. In this case, the Herr's provided the website and notices were sent to the owner. Since then, he has contacted the Code Enforcement Officer and removed the homes from the website under that number. Additionally, owners change the pictures on the websites so that the homes cannot be easily identified. Fines are \$25 a day on all code enforcement violations. At hearings, businesses just pay the fines and say it is a cost of doing business. Staff tries to work with the neighbors who are concerned. She noted that Mr. Jones told the Code Enforcement Officer that he intends to sell corporate shares for the home or have friends stay there and would no longer advertise the home on a website. He did admit that he was renting it out. One person wrote a review stating that 28 of their family members stayed at the home over Thanksgiving weekend.

City Attorney Shawn Guzman stated that there are similar issues in other areas of the City. They are not paying the state taxes that a hotel would have to pay. They are not licensed as a hotel. Neighbors can report the home owners and they can be charged criminally since it is a violation of the ordinance. It would still require neighbors to testify and would have to show that the owner is leasing it as a short term rental. An informational notice can be put on the City's website.

Mayor Pike commented that it might be worth looking at the Justice Court option for this and other violations as well.

Ms. Harr added that Mr. Jones said that he met a local agent and he was told that this is not being prosecuted in St. George.

Deputy City Attorney Paula Houston stated that state law defines how high offenders can be fined.

Mayor Pike asked that the Legal Department review this issue and return with their suggestions.

Jeff Graf, resident, stated that he lives in the St. James neighborhood, near the Boulders. There is a stop light at 1450 South as well as at Ft. Pierce where it hits River Road. The proposed stop light would be in the middle of those. If a light is put in, Eagle Landing does not have an outlet to go out. He explained that Boulders and St. James have two exits; there are other options.

Mayor Pike explained that the stop light is already being designed. There has been a lot of input and he believes the light is necessary due to safety concerns. It is too far down the road to stop it.

City Manager advised that staff will synchronize all of the lights in the area.

Hal Hickman, resident, explained that he is representing the Boulders Neighborhood Development Committee. They would like to thank the Mayor and Council for installing the stop light at St. James. Staff has been helpful when working on problems in the area. He stated that they are in favor of the Mall Drive Bridge developments. Additionally, they appreciate dedicated bike lanes. He stated that Five Counties is working toward making River Road seven lanes. Their committee is interested in maintaining the buffer south of 1450 East and continue to make it residential.

Mike Sheffield, resident and developer, stated that their motivation with Boulder Creek Crossing is to make an impact in St. George. They developed and built the Boulders Spring Villas and Summit Athletic Club. The east and west side of River Road are owned by separate companies. In the near future, they will return to zone the west side to proceed with businesses that want to come here. They did a traffic study to plan this in accordance with the City.

PROFESSIONAL SERVICES AGREEMENT:

Consider approval of a professional services agreement with Sunrise Engineering for the Little Valley Pickleball Court.

City Manager Gary Esplin explained that this item is for the Little Valley Pickleball expansion. Sunrise Engineering was the engineer for the other courts. The challenge with this project is that the site is not flat. The Mayor and Council want to proceed as quickly as possible. In order to do this, the project will have to be phased out. The funds to build the facility will not be collected from RAP tax until June or July. If bonding for the project, the costs could not be recovered.

Mayor Pike stated that he talked with Huntsman Senior Games representatives who would like to use the courts for the Games this October. He believes it can happen.

City Manager Gary Esplin advised that the cost for design and construction management is \$107,600. He suggests continuing with Sunrise Engineering because the next two fields will be at the same location.

Councilmember Hughes commented that the amount seems like a lot of money for a professional services agreement; however, it includes parking lots, restrooms and electrical items.

Parks Planner Millie Cockerill explained that this proposal is for 12 courts and additional parking on the west side with hardscape between the courts. A separate agreement with Kim Campbell is proposed to enlarge the restroom building. This project is not going to include a pavilion, but umbrellas will be added in the next phase.

City Manager Gary Esplin commented that the project is going to be difficult if the budget estimates are correct.

Councilmember Almquist stated that he worries about item 3(d) on the page that is marked 2 of 4 in the agenda packet; if questions are asked regarding the plans is Sunrise Engineering going to charge the City to interpret the plans.

Ms. Cockerill explained, that during construction, they will not charge the City to interpret the plans; it is included in the cost. Additionally, she stated that staff will do the landscaping and irrigation on this project.

MOTION: A motion was made by Councilmember Almquist to approve the professional services agreement with Sunrise Engineering for the Little Valley Pickleball Court in conjunction with the public record made on the cost.

SECOND: The motion was seconded by Councilmember Bowcutt.

Mayor Pike clarified the cost is \$107,600.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/ZONE CHANGE/ORDINANCE:

Public hearing to consider a zone change from A-20 to PD-C on 16.95 acres located at 3000 East and Mall Drive to accommodate a proposed shopping center with a grocery store. Property Reserve, Inc., applicant.

John Willis presented a request for a zone change from A-20 to PD-C on 16.95 acres located at 3000 East and Mall Drive to accommodate a proposed shopping center with a grocery store. There have been two General Plan amendments for this property. He showed a vicinity map, zoning map, layout and site plan. In addition to the right-of-way, the developer will be dedicating 80 feet due to the large drainage channel. They are requesting to use the dedicated area as part of their setback, to use a portion of the front as their open space requirements, and to locate heir signs in the dedicated portion. The first phase will be the Lins grocery store. They are proposing four (4) monument signs and one (1) pole sign along Mall Drive and two (2) monument signs and one (1) pole sign along 3000 East. He showed elevations, building materials and photos of the site. The Washington County Flood Control Authority and the City are constructing a drainage channel and parkway to replace the existing canal. He then showed the Mall Drive and Washington Fields Drainage Corridor Conceptual Cross-section. The developer is requesting signage that is outside of the current code. He showed some examples of other signs throughout the City. He outlined the master sign plan which is part of the agenda packet. Pole signs are allowed in major commercial areas. In other commercial areas, pole signs are not permitted. Planning Commission recommended approval of a 30' pylon sign along 3000 East.

City Manager Gary Esplin stated that the General Plan shows the interaction of Mall Drive and 3000 East as commercial. Three corners are in St. George, the other in Washington City. The General Plan would not allow any more commercial along 3000 East going south; however, it would allow commercial on the east side. Similar issues occurred with regards to signs with the Harmons sign on River Road because it was not a commercial

road. He does not think that having the signs on Mall Drive will create an issue, but they may be on 3000 East. There have been discussions with representatives; the concern is for the smaller commercial shops that will not come unless they have exposure on the pylon sign. The other issue is the signage on the back of the buildings.

Councilmember Almquist noted that with one of the sign examples, not all of the businesses in the shopping center are advertised on the sign.

Mr. Willis explained that there is a limitation on the square footage for the signs. That particular shopping center has several signs. He showed an additional site plan.

City Manager Gary Esplin stated that this has been a challenging project. He would like to see the project built on this corner because residential will not work on that corner. It meets the General Plan and they have done a great job with the design and colors. It is setback 90' because of the channel. This project will be an incredible asset.

Mr. Willis read the motion from the Planning Commission which states "Commissioner Nathan Fisher made a motion to recommend approval of Planning Commission agenda item 3B as presented conditioned on the requirement that all future pads (1, 6, 7, 8, 9 and 3) come back as zone change amendments, also upon legal review and approval of the development agreement, and also conditioned on the developer financing the improvement of the second access on Mall Drive closer to the intersection of Mall Drive and 3000 East with the caution and condition that if a development agreement not be reached, the developer is required to develop pursuant to current ordinances accept and so far as the signage as presented here with the adjustment of the pylon on 3000 East as a 30' sign rather than a 40' sign".

City Manager Gary Esplin commented that the development agreement will come after the zone change. The property owner has agreed to make the improvements on Mall Drive.

Councilmember Almquist inquired about exhibit C in the agenda packet. The channel area is different than the handout. The area is no longer colored and the trees have been removed.

City Manager Gary Esplin explained that in phase 1, they will landscape their frontage and along 3000 East.

City Attorney Shawn Guzman advised that Mall Drive will be maintained by the City.

Councilmember Almquist commented that the monument signs and trees are more compatible.

Steve Miner, Vice President of Associate Foods, explained that they service 400 independent retailers. They have watched the area for about five years, but having the bridge was critical. Lins does well in smaller neighborhood centers; they feel that this is the right location. The biggest challenge they have is the drainage canal. Visibility is a concern. They hope to work with the City on the maintenance of the canal to make sure it is consistent with shopping center visibility, access and landscape. Their feasibility study determined that they can build a 50,000 square foot grocery store. They are working with local businesses for the design and engineering. The easement they are asking to be granted in the drainage canal will be used for monument signs. He clarified that the monument signs are only for the out parcels, the pylon signs will be for Lins and the co-anchors. They may not need the full pylon sign on 3000 East in phase 1, but will in other phases. He realizes that in order for this to be approved, a development agreement needs to be agreed upon. As they move forward with this project, Associated Foods and Lins will

be the project managers for both phase 1 and lot 2. They plan to break ground in May and open in November.

Mayor Pike asked why they need to have a 40' pylon sign on Mall Drive.

Mr. Miner explained that they will not need a 40' sign in phase 1, but phase 2 will. For St. George and SLR to attract tenants, they need to have good space for them. Additionally, because of the setback, a taller sign is needed for visibility. The purpose of the 40' sign is to accommodate the additional inline box spaces for a larger development.

Mayor Pike opened the public hearing. There being no public comment, he closed the public hearing.

Councilmember Almquist mentioned the diamonds in the parking lot at Red Rock Commons some of which are too small for the trees. There is a minimum size for parking lot planters. He encourages one less parking stall to make interior tree planters accommodate the time frame a healthy tree needs.

City Manager Gary Esplin commented that this is a zone change. A building permit will not be issued until the development agreement is approved. The development cannot proceed without knowing if the utilities are going to be in place.

City Attorney mentioned that the setbacks are closer than the City allows to a property line; however, the developer is transferring the property to the City, therefore it is being allowed. This will be included with development agreement.

City Manager Gary Esplin advised that they are getting credit for open space because they are deeding the property to the City.

MOTION: A motion was made by Councilmember Hughes to approve the zone change from A-20 to PD-C on 16.95 acres subject to a development agreement and with recommendations of the Planning Commission that the pylon sign on 3000 East be 30' tall rather than 40'.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye

Councilmember Hughes – aye

Councilmember Randall - aye

Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/ZONE CHANGE/ORDINANCE:

Public hearing to consider a zone change from R-1-10 to PD-R on 0.50 acres generally located at 1650 North Dixie Downs Road to accommodate a fourplex referred to as Ancestor Village. Chad Van Cleve, applicant.

John Willis presented the request for a zone changes from R-1-10 to PD-R to accommodate a fourplex referred to as Ancestor Village. The property is located at 1650 North Dixie Downs Road. He showed an aerial map and explained that the general plan shows the property as medium density residential. Additionally, he showed a photo of the proposed site and a landscaping plan, as well as, photos of the area. They meet the

parking requirement of two parking spaces per unit and will exceed City code with regard to open space. Planning Commission recommends approval.

Mayor Pike opened the public hearing.

Tara Farren, resident, stated that you see her home in the photo. She explained that the lot is not big enough for a fourplex. They have a dumpster which is going to be used for illegal dumping, it will become unsightly. The traffic has become bad on Dixie Downs, even without multiple housing. There are enough problems with crime and unsightly properties. Trying to get Code Enforcement and Police Officers out in a timely fashion is becoming a problem. They do not need another slum lord in their neighborhood. She suggests the Council go out and look at the property.

Councilmember Bowcutt commented that the dumping will not be a new problem as illegal dumping already occurs at the Church.

Some of the Councilmembers stated that they went out to look at the property.

Chad Van Cleve, applicant, stated that he appreciates the comments. This will be a family owned fourplex and will have an HOA; this project is something they want to be proud of. They will keep two units in their family and will sell the other two. He explained that he will not be a slum lord. The units will be 1,480 square feet each.

Sandy Lewis, resident, commented that those are single family homes that families have worked hard for. It is a nice piece of property. To put in a fourplex the developer is just duplicating Sierra Point, degrading the Dixie downs area. Taking homes away from families that have been there 20 years. It is a single family area; families will suffer because of this.

Mayor Pike closed the public hearing.

MOTION: A motion was made by Councilmember Bowcutt to approve the zone change from R-1-10 to PD-R on 0.50 acres generally located at 1650 North Dixie Downs Road.

SECOND: The motion was seconded by Councilmember Randall.

VOTE: Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye

Councilmember Hughes – aye

Councilmember Randall - aye

Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/ZONE CHANGE AMENDMENT/ORDINANCE:

Public hearing to consider a zone change amendment to the PD-C zone on 1.29 acres located along the north side of 1600 South Street to accommodate development of a two story professional office building. TCN, Inc., applicant.

John Willis presented the request for a zone change amendment to the PD-C zone on 1.29 acres located along the north side of 1600 South Street to accommodate the development of a two story professional office building. He showed an aerial map, site plan, elevations, building materials, and layout. Planning Commission recommends approval.

Greg Mathis with MRW Design explained that the applicant is currently renting in the Green Valley mall area. The Tonaquint Business Park is made for this type of use.

Mayor Pike opened the public hearing.

Gary Zabriskie, Deputy Director at the Five Counties Associations of Governments stated that they are very pleased to see something built on this parcel. Additionally, they are pleased that this will be zoned PD-C so that the City can control it. His only concern is with the traffic in the area; he hopes that there is a study for a traffic signal.

Mayor Pike mentioned that staff is looking at a traffic signal in that area. He closed the public hearing.

Councilmember Hughes asked for clarification on why this is amending the PD-C zone.

Mr. Willis explained that part of the PD approval is reviewing the site plan and architecture. When these items come in, the PD-C is amended.

MOTION: A motion was made by Councilmember Almquist to approve the amendment which includes the backup material as far as the details to the PD-C as directed.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

Mayor Pike asked if anyone was present to speak to the next public hearing, item 3D.

Councilmember Bowcutt stepped out.

LOCAL CONSENT/BEER ONLY RESTAURANT LICENSE:

Consider approval of a local consent for a beer only restaurant license for Irmitas Restaurant located at 490 West St. George Boulevard. Jack Lancaster, applicant.

City Manager Gary Esplin advised the request meets distance requirements.

MOTION: A motion was made by Councilmember Almquist to approve the local consent for a beer only restaurant license for Irmitas Restaurant located at 490 West St. George Boulevard.

SECOND: The motion was seconded by Councilmember Randall.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye

The vote was unanimous and the motion carried.

LOCAL CONSENT/EVENT PERMIT TEMPORARY BEER LICENSE:

Consider approval of a local consent for an event permit temporary beer license for a beer garden at the Retrospect Rockfest event at the Ridgetop Complex. Lon Allen, applicant.

City Manager Gary Esplin advised this is for the beer garden that has been previously discussed. The applicant has been through the special event process.

Councilmember Bowcutt returned.

Lon Allen, applicant, owner of Sonny Boy's explained that they have been trying to put on this event for over a year. They have beer licenses at their locations in other cities. They have not done a beer garden previously, but they have dealt with the state on all of the issues for licensing. A beer garden would add to the event. It is not an out of control event, but it is part of the BBQ culture. They are excited to put this together and run it professionally and organized.

Business License Officer Shiloh Kirkland stated that she and the Legal Department will work with Mr. Allen on a use agreement to address the insurance and liability issue prior to the certificate being issued.

Mayor Pike mentioned that this is the first event like this and they meet requirements.

Mr. Allen added that they will not accentuate the beer garden; instead they will promote the music and the BBQ.

Councilmember Almquist inquired security plan which states that they will have 14 police officers at the event. He asked if the applicant covers the cost of the officers.

Curtis Strong, event promoter, stated that they will cover the cost of the officers. They will also have off duty security officers.

MOTION: A motion was made by Councilmember Hughes to grant the local consent for the temporary event at the Ridgetop Complex for the beer garden subject to Shiloh's review of the insurance and liability.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

FEE WAIVER:

Consider approval of a fee waiver for the use of Seegmiller Farm for a Virgin River Land Preservation Association meeting. Marie Landis, applicant.

City Manager Gary Esplin advised that staff reviewed this request. They are starting to see a lot of requests for the use of Seegmiller Farm. The Council approved a fee schedule at the last meeting. When reserved, a staff member will be present to monitor. Anyone who rents the facility needs to cover the cost of having the staff member present.

Councilmember Hughes asked if the fee should be reduced to \$60.

Mayor Pike replied yes.

Marie Landis, applicant, commented that she is also a City employee. She asked if her being there would be considered as a staff member if she is unpaid.

City Manager Gary Esplin explained that is not an option due to the Fair Labor Standards Act.

MOTION: A motion was made by Councilmember Almquist to reduce the fee to \$60.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

Mayor Pike called for a five minute recess.

SET PUBLIC HEARINGS:

John Willis advised that at its meeting on February 24, 2015, the Planning Commission recommended setting public hearings on March 19, 2015 to consider: 1) a request a zone change from R-1-10 to PD-R on 11.37 acres located between Riverside Drive and the Virgin River and runs from 2200 East to 2450 East and 2) a request for a zone change to rezone 76.42 acres to: 1) allow amendment #6 to the St. George SunRiver PD Zone to move approximately 30 acres of the Interchange PD into the SunRiver PD and to updates its land use to become PD-R; 2) allow amendment #2 to the Atkinville Area Zone Plan to update the balance of the property to join the existing 8.1 acre Community Commercial as defined by the Atkinville Interchange PD which will increase the Community Commercial amount to 27.9 acres; and 3) update the location of the signage parcel used for advertising the SunRiver St. George Community. The properties are in the SunRiver area.

MOTION: A motion was made by Councilmember Randall to set the public hearings.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

FINAL PLAT:

John Willis presented the final plat for Mulberry Estates Phase 9, a 16-lot residential subdivision located at approximately 2880 East and 3110 South; zoning is R-1-12 and RE-20.

MOTION: A motion was made by Councilmember Almquist to approve the final plat for Mulberry Estates Phase 9.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

FINAL PLAT:

John Willis presented the final plat for SunRiver St. George Phase 46, a 26-unit residential subdivision located along Whetstone Drive between Pearl Vista Drive and Blue Star Drive, zoning is PD-R.

MOTION: A motion was made by Councilmember Almquist to the final plat for SunRiver St. George Phase 46.

SECOND: The motion was seconded by Councilmember Randall.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

ROADWAY DEDICATION FINAL PLAT:

John Willis presented the roadway dedication final plat for 2350 East Street and Horseman's Park Drive Roadway Dedication located at approximately 2350 East and 3220 South. When the schools were built, some of the areas were not dedicated. This plat ties up those loose dedications.

MOTION: A motion was made by Councilmember Hughes to approve the roadway dedication final plat.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

CONDITIONAL USE PERMIT:

Consider approval of a conditional use permit to establish a towing and impound yard in the Ft. Pierce Industrial Park. Sterling Norton, applicant.

John Willis presented the request for a conditional use permit to establish a towing and impound yard in the Ft. Pierce Industrial Park. The property is located at 4379 Progressive Drive and zoning is M-1. The site currently has the landscaping and screen required per code. The Ft. Pierce Industrial Park Owner's Association has approved the use of this site. He showed an aerial map. Planning Commission recommends approval.

Councilmember Bowcutt mentioned that he was at the Planning Commission meeting when this item was heard. It is storage only until the insurance company decides what they will do with the vehicle.

Councilmember Almquist commented that the aerial site plan in the agenda packet does not show vehicle storage in the back area. He asked if there will be storage behind the block walls.

Sterling Norton, applicant, explained that is where they will park their tow trucks. There is a section of chain link fencing along the back corner; the rest is already a block wall. The storage enclosed area meets the code.

MOTION: A motion was made by Councilmember Bowcutt to approve the conditional use permit to establish a towing and impound yard, item 6E from the Planning Commission meeting.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

CONDITIONAL USE PERMIT:

Consider approval of a conditional use permit to construct a detached accessory structure with a maximum ridge height of approximately 21' and wall height of 14' on property located 2479 East 3860 South. Jared Wade, applicant.

John Willis presented the request for a conditional use permit to construct a detached accessory garage with a maximum height of approximately 21', zoning is RE-37.5. The structure will be the same building material as the main house. Since the Planning Commission meeting, the applicant has revised his request. The applicant has provides a new site plan. He is requesting an 8' setback from the rear and side. Additionally, he is asking to expand the building footprint by raising the height by approximately 1'. By doing so, it moves the structure closer to the property line and would still be in compliance with the code with regards to setbacks. He showed a site plan, elevation and photos of the existing home.

MOTION: A motion was made by Councilmember Almquist to approve the conditional use permit to construct a detached accessory garage 21' in height, with the changes the applicant has asked for with regard to setbacks and building footprint.

SECOND: The motion was seconded by Councilmember Randall.

City Manager Gary Esplin clarified that the applicant's requested changes would raise the height by a foot.

AMENDED

MOTION: Councilmember Almquist amended his motion to 22'.

SECOND: The amended motion was seconded by Councilmember Randall.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

John Willis advised that the applicant asked that item 3a has been removed from the agenda.

PRELIMINARY PLAT:

John Willis presented the preliminary plat for Tupelo Estates Phase 3, a 5-lot residential subdivision located at 3230 South Amaranth Drive; zoning is R-1-8. The developer is utilizing lot size averaging. This preliminary plat does exceed what is allowed for the density requirement for lot size averaging; however, when included with phases 1 and 2, the overall density meets the requirement. Planning Commission recommends approval.

MOTION: A motion was made by Councilmember Hughes to approve the preliminary plat for Tupelo Estates Phase 3.

SECOND: The motion was seconded by Councilmember Randall.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

John Willis presented the preliminary plat for Hawthorn Estates – Amendment, a 56-lot residential subdivision located at 3000 East Crimson Ridge Drive; zoning is R-1-10. This is an amendment to an already approved preliminary plat. The previously preliminary plat included the entire area; however, at this time, the developer is going to plat the lower

section only. There was a 4-acre park planned with lots to the north. They still plan on coming forward with the park. Planning Commission recommends approval.

Mayor Pike asked at what time is the park required to be dedicated.

City Attorney Shawn Guzman advised it will be required at the final plat stage. The plat will not be recorded unless the park is dedicated.

City Manager Gary Esplin suggests approving the preliminary plat tonight, but have discussions on the park prior to the final plat being approved. When this development was occurring, as part of the density, the developer would designate a public park.

MOTION: A motion was made by Councilmember Hughes to amend the preliminary plat for Hawthorn Estates.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye

Councilmember Hughes – aye

Councilmember Randall - aye

Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/ZONING REGULATION CHANGES/ORDINANCE:

Public hearing to consider amending Title 10, Section 10-8-6 of the zoning regulations to make changes regarding outside storage in the PD-C zone.

John Willis presented the request for a zone regulation change. He explained that this is a staff initiated zoning regulation amendment. The PD zone specifies that no outside storage is allowed. There are numerous buildings that have outside storage as they were approved. This amendment would allow for outside storage with specific requirements. He read the proposed changes and/or additions to the language in sections H. Outside Storage; I. Trash, Junk, Inoperable Vehicles, Vessels and Similar Items; J. Solid Waste Storage Facilities; and K. Protection Of Residential Property as outlined on Exhibit A for this item which is included in the agenda packet.

City Manager Gary Esplin asked if the PD-C zone requires the plan to be submitted, will they have to show the outside storage when approved by City Council.

Mr. Willis stated yes, they would have to show the site plan and materials.

Councilmember Almquist inquired if a business within the PD-C zone that has an enclosed storage unit that is over 6' tall. He asked if it can be on the property.

Mr. Willis explained that it would be treated as any other building in a PD-C zone; it would have to meet the setback. If they plan to have outside storage, they would have to show it on their site plan.

City Attorney Shawn Guzman commented this is an ordinance that can be problematic for staff. There is a difference in those businesses that are adjacent to other commercial properties. If the outside storage was adjacent to residential zoning; there would be a problem.

Councilmember Bowcutt inquired if this can be decided without having to go to the City Council.

City Manager Gary Esplin explained that the applicant would have to define the parameters for staff approval. The ordinance would have to be written giving staff authority to approve the request with discretion. Staff's concern is primarily where PD zones abut residential.

Mayor Pike opened the public hearing. There being no public comment, he closed the public hearing.

MOTION: A motion was made by Councilmember Hughes to approve the PD-C ordinance, Section 10-8-6 as discussed.

SECOND: The motion was seconded by Councilmember Almquist.

Councilmember Almquist asked about the zoning of the hotel near the Pilot station.

City Manager Gary Esplin stated that the zoning is PD.

Councilmember Almquist stated that there used to be a tractor sales business that did not have solid wall. He asked if they wanted to have outside storage; would they would have to put in a solid wall.

Mr. Willis explained what is around the public right-of-way would need to be solid if it will be outside storage as opposed to display.

City Attorney Shawn Guzman added that they are able to do what was approved at the time that the PD was approved.

VOTE: Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

MINUTES:

Consider approval of the minutes from the meeting held on December 18, 2014.

MOTION: A motion was made by Councilmember Almquist to approve the minutes from December 18, 2014.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

MINUTES:

Consider approval of the minutes from the meeting held on January 15, 2015.

MOTION: A motion was made by Councilmember Almquist to approve the minutes from January 15, 2015.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

MINUTES:

Consider approval of the minutes from the meeting held on January 22, 2015.

Councilmember Almquist noted that prior to the meeting, City Recorder Christina Fernandez amended the minutes after finding some typos.

MOTION: A motion was made by Councilmember Almquist as amended.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

MINUTES:

Consider approval of the minutes from the meeting held on January 29, 2015.

MOTION: A motion was made by Councilmember Hughes to approve the minutes from January 29, 2015.

SECOND: The motion was seconded by Councilmember Randall.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

MINUTES:

Consider approval of the minutes from the meeting held on February 5, 2015.

MOTION: A motion was made by Councilmember Hughes...
SECOND: The motion was seconded by Councilmember Almquist.
VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

REPORTS FROM THE MAYOR, COUNCILMEMBERS AND CITY MANAGER:

Mayor Pike advised that next Thursday's work meeting will be cancelled. He mentioned the discussion that the Solid Waste had regarding recycling. They made a decision to use Dixie Waste for curbside recycling services. The executive committee of that board has asked people to work with them on the negotiations; he and Councilmember Bowcutt will serve on the committee. The committee met with Dixie Waste yesterday to discuss services and cost. The price that was offered for opting out or mandatory recycling could be different if there is low participation.

Councilmember Hughes mentioned that everything is going well with the Animal Shelter Board.

Mayor Pike mentioned that Randy Fields' foundation donated \$2,500 to train animals that need training before they are adopted.

ADJOURN:

MOTION: A motion was made by Councilmember Almquist to adjourn.
SECOND: The motion was seconded by Councilmember Hughes.
VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.